

Environmental Protection Agency

§ 80.501

GENERAL INFORMATION

§ 80.500 What are the implementation dates for the diesel fuel sulfur control program?

The implementation dates for standards for motor vehicle diesel fuel and diesel fuel additives, and for other provisions of this subpart, are as follows:

(a) *Implementation date for standards applicable to production or importation of motor vehicle diesel fuel, and to motor vehicle diesel fuel additives.* Except as provided in paragraph (d) of this section, beginning June 1, 2006:

(1) The standards and requirements under § 80.520(a) and (b) shall apply to any motor vehicle diesel fuel produced or imported by any refiner or importer; and

(2) The standards and requirements under § 80.521 shall apply to any motor vehicle diesel fuel additive.

(b) *Implementation date for standards applicable to motor vehicle diesel fuel downstream of the refinery or importer.* Except as provided in paragraphs (c) and (d) of this section, beginning July 15, 2006, the standards and requirements under § 80.520(a) and (b) shall apply to any motor vehicle diesel fuel at any downstream location.

(c) *Implementation date for standards applicable to motor vehicle diesel fuel at retail outlets and wholesale purchaser-consumer facilities.* Except as provided in paragraph (d) of this section, beginning September 1, 2006, the standards and requirements under § 80.520(a) and (b) shall apply to any motor vehicle diesel fuel at any retail outlet or wholesale purchaser-consumer facility.

(d) *Implementation date for motor vehicle diesel fuel subject to the 500 ppm sulfur content standard in § 80.520(c).* (1) Beginning June 1, 2006, the sulfur content standard of § 80.520(c) shall apply to motor vehicle diesel fuel, but only where authorized under, and subject to, an applicable provision of this Subpart.

(2) Beginning June 1, 2010, the sulfur content standard of § 80.520(c) shall no longer apply to any motor vehicle diesel fuel produced or imported by any refiner or importer.

(3) Beginning October 1, 2010, the sulfur content standard of § 80.520(c) shall no longer apply to any motor vehicle diesel fuel at any downstream location

other than a retail or wholesale purchaser-consumer facility.

(4) Beginning December 1, 2010, the sulfur content standard of § 80.520(c) shall no longer apply to any motor vehicle diesel fuel.

(e) *Other provisions.* All other provisions of this subpart apply beginning June 1, 2006, unless another date is specified.

(f) For purposes of this subpart, the term “downstream location” shall mean any point in the diesel fuel distribution system downstream from refineries and import facilities, including diesel fuel at facilities of distributors, carriers, retailers, kerosene blenders, and wholesale purchaser-consumers.

EFFECTIVE DATE NOTE: At 69 FR 39168, June 29, 2004, § 80.500 was amended by removing paragraph (f) and revising the section heading, effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

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§ 80.501 What diesel fuel is subject to the provisions of this subpart?

(a) *Included fuel and additives.* The provisions of this subpart apply to motor vehicle diesel fuel as defined in § 80.2(y), motor vehicle diesel fuel additives as defined in § 80.2(xx), and motor oil that is used as or intended for use as fuel in diesel motor vehicles or is blended with diesel fuel for use in diesel motor vehicles at any downstream location, as provided in § 80.500(f).

(b) *Excluded fuel.* The provisions of this subpart do not apply to motor vehicle diesel fuel that is designated for export outside the United States, and identified for export by a transfer document as required under § 80.590.

EFFECTIVE DATE NOTE: At 69 FR 39168, June 29, 2004, § 80.501 was revised, effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 80.501 What fuel is subject to the provisions of this subpart?

(a) *Included fuel and additives.* The provisions of this subpart apply to the following fuels and additives except as specified in paragraph (b) of this section:

(1) Motor vehicle diesel fuel.

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(2) Nonroad, locomotive, or marine diesel fuel.

(3) Diesel fuel additives.

(4) Heating oil.

(5) Other distillate fuels.

(6) Motor oil that is used as or intended for use as fuel in diesel motor vehicles or nonroad diesel engines or is blended with diesel fuel for use in diesel motor vehicles or nonroad diesel engines, including locomotive and marine diesel engines, at any downstream location.

(b) *Excluded fuel.* The provisions of this subpart do not apply to distillate fuel that is designated for export outside the United States in accordance with § 80.598, identified for export by a transfer document as required under § 80.590, and that is exported.

§ 80.502 What definitions apply for purposes of this subpart?

The definitions of § 80.2 and the following additional definitions apply to this subpart I:

(a) *Entity* means any refiner, importer, distributor, retailer or wholesale-purchaser consumer of any distillate fuel.

(b) *Facility* means any place, or series of places, where an entity produces, imports, or maintains custody of any distillate fuel from the time it is received to the time custody is transferred to another entity, except as described in paragraphs (b)(1) through (b)(4) of this section:

(1) Where an entity maintains custody of a batch of diesel fuel from one place in the distribution system to another place (*e.g.*, from a pipeline to a terminal), all owned by the same entity, both places combined are considered to be one single aggregated facility, except where an entity chooses to treat components of such an aggregated facility as separate facilities. The choice made to treat these places as separate facilities may not be changed by the entity during any applicable compliance period. Except as specified in paragraph (b)(2) of this section, where compliance requirements depend upon facility-type, the entire facility must comply with the requirements that apply to its components as follows:

(i) If an aggregated facility includes a refinery, the entire facility must comply with the requirements applicable to refineries.

(ii) If an aggregated facility includes a truck loading terminal but not a refinery, the entire facility must comply with the requirements applicable to truck loading terminals.

(2) A refinery or import facility may not be aggregated with facilities that receive fuel from other refineries or import facilities, either directly or indirectly. For example, a refinery may not be aggregated with a terminal that receives any fuel from a common carrier pipeline. However, a refinery may be aggregated with a pipeline and terminal that are owned by the same entity and which receive no fuel from any source other than the refinery. If a refinery or import facility is aggregated with other facilities, then the aggregated facility is treated as a refinery or import facility.

(3) Retail outlets or wholesale purchaser consumers may not be aggregated with any other facility.

(4) Where an entity maintains custody of diesel fuel in one or more mobile components (*e.g.*, rail, barge, or trucking operations) the mobile components may be aggregated as a single facility. Mobile components may also be aggregated with a facility from which they receive fuel or a facility to which they deliver fuel. However, mobile components may not be aggregated with both a facility from which they receive fuel and a facility to which they deliver fuel.

(5) An individual refinery or contiguous pipeline may not be subdivided into more than one facility. An individual terminal may not be subdivided into more than one facility unless approved by the Administrator.

(c) *Truck loading terminal* means any facility that dyes NRLM diesel fuel, pays taxes on motor vehicle diesel fuel per IRS code (26 CFR part 48), or adds a fuel marker pursuant to § 80.510 to heating oil and delivers diesel fuel or heating oil into trucks for delivery to retail or ultimate consumer locations.

(d) *Batch* means a quantity of diesel fuel or distillate which is homogeneous with regard to those properties that are specified for MVNRLM diesel fuel under this subpart I of this part, has